

District Judge Marsha J. Pechman

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

XU LI and BRIGHT LIFE
INTERNATIONAL INC.,

Plaintiffs,

v.

KRISTI NOEM, *et al.*,

Defendants.

Case No. 2:23-cv-01931-MJP

STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND
[~~PROPOSED~~] ORDER

Noted for Consideration:
July 21, 2025

For good cause, Plaintiffs and Defendants, by and through their counsel of record, pursuant to Federal Rule of Civil Procedure 6 and Local Rules 7(d)(1), 10(g) and 16, hereby jointly stipulate and move to continue to stay these proceedings through September 3, 2025. Plaintiffs bring this litigation pursuant to the Administrative Procedure Act to challenge U.S. Citizenship and Immigration Services (“USCIS”) denial of the Form I-140 filed on Plaintiff Xu Li’s behalf as erroneous, arbitrary and capricious and contrary to law. This case is currently stayed through July 22, 2025. Dkt. No. 24.

Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for

counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ. P. 1.

The parties continue to work towards resolution of this litigation. As previously reported, Plaintiffs withdrew their Form I-140, Petition for Alien Worker, to cure deficiencies and refile a Form I-140. This has been delayed due to difficulties in obtaining records from overseas. Once the new Form I-140 is filed, USCIS will consider this new application separately from the Form I-140 at issue in this litigation. Once USCIS issues a decision, Plaintiffs agree to voluntarily dismiss this litigation.

Plaintiffs require additional time to re-file the Form I-140. Therefore, the parties believe good cause exists to continue to stay this proceeding, to save the parties and the Court from spending unnecessary time and judicial resources on this matter. Accordingly, the parties jointly stipulate and request that the Court continue to stay these proceedings through September 3, 2025. The parties will submit a joint status report on or before September 3, 2025.

DATED this 21st day of July, 2025.

Respectfully submitted,

TEAL LUTHY MILLER
Acting United States Attorney

CHUNG, MALHAS & MANTEL, PLLC

s/ Michelle R. Lambert
MICHELLE R. LAMBERT, NYS #4666657
Assistant United States Attorney
United States Attorney’s Office
Western District of Washington
1201 Pacific Avenue, Suite 700
Tacoma, Washington 98402
Phone: (206) 553-7970
Fax: (206) 553-4067
Email: michelle.lambert@usdoj.gov
Attorneys for Defendants

s/ Dima N. Malhas
DR. DIMA N. MALHAS, WSBA#44370
Chung, Malhas & Mantel, PLLC
1037 NE 65th Street, Ste. 80171
Seattle, Washington 98115
Phone: 206-264-8999
Email: dmalhas@cmmlawfim.com
Attorneys for Plaintiffs

I certify that this memorandum contains 311 words, in compliance with the Local Civil Rules.

[PROPOSED] ORDER

The Parties having stipulated and agreed, it is hereby ORDERED that this proceeding is stayed until September 3, 2025. The Parties shall file a joint status report on or before September 3, 2025.

DATED this 22 day of July 2025.



MARSHA J. PECHMAN
United States District Judge